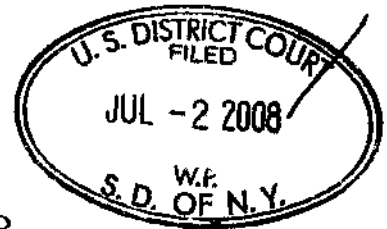




Maynard, O'Connor, Smith & Catalinotto, LLP  
ATTORNEYS AT LAW



Michael E. Catalinotto  
Stephen C. Prudente  
Christopher K.H. Dressler  
Thomas G. Daley  
James R. Schultz  
Bruce A. Bell  
Cecilia R. Lomanto  
Edwin J. Tobin, Jr.  
Michael E. Catalinotto, Jr.  
Robert A. Rausch

P.O. Box 180  
Saugerties, New York 12477  
(845) 246-3666  
Fax (845) 246-0390

6 Tower Place  
Albany, New York 12203  
(518) 465-3553  
Fax (518) 465-5845  
www.moscllp.com

122 West Main Street  
Johnstown, New York 12095  
(518) 762-4212  
Toll Free (800) 721-3553

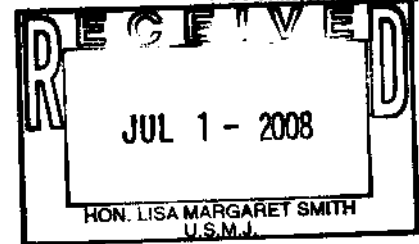
Michael T. Snyder  
Anne-Jo Pennock McTague, RN  
Fawn A. Arnold  
Jessica R. Meigher  
Alexander L. Stabinski  
Crystal A. Doolity  
Dana M. Boniewski  
Lia D. Mitchell

OF COUNSEL  
Angelo D. Lomanto

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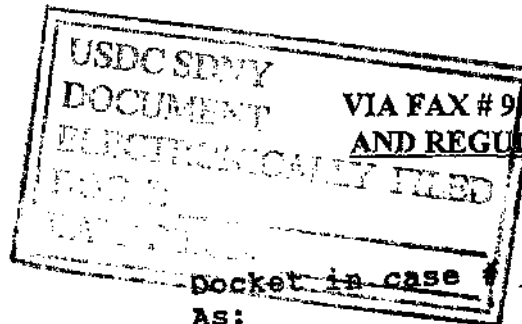
Earl S. Jones, Jr. (1924-2004)



July 1, 2008

Re: Payne v. Dempsey Pipe et al  
Case 1:08-cv-01933 (LMS) (SDNY)  
Our File No. 149.25804

Hon. Lisa Margaret Smith, U.S.M.J.  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601



CV/CR

As:

Date: 7/1/08

LMS/USMJ

Dear Judge Smith:

This is in follow up to my assistant's telephone conference with your clerk, Stephanie, and Mr. Goldblatt's office this date, in the above entitled matter. We request that the conference scheduled before Your Honor on Monday, July 7, 2008, at 11:30 a.m., be adjourned, on consent, to either September 8 or 9, 2008, or another date convenient to the Court. Due to our full calendars, we have not been able to determine a date when we are both available in July or August.

Please confirm that the July 7, 2008 conference has been adjourned and advise us of the new conference date before Your Honor in White Plains.

Deemed letter motion. Motion granted. Conference rescheduled to September 8, 2008, at 11:00 a.m. in Courtroom 420, 300 Quarropas Street, White Plains, NY. In light of this delay the Court expects significant discovery to have been completed by that date. SO ORDERED. Lisa Margaret Smith, U.S.M.J. 7/1/08

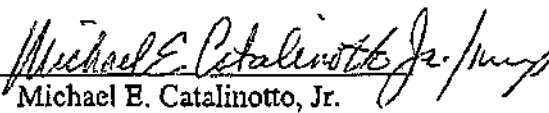
Hon. Lisa Margaret Smith, U.S.M.J.  
Re: Paync v. Dempsey Pipe, et al  
Case 1:08-cv-01933 (LMS)

July 1, 2008  
Page 2

If you have any questions or need anything additional, please do not hesitate to contact us. Thank you for your consideration and attention to this matter.

Respectfully yours,

**MAYNARD, O'CONNOR, SMITH & CATALINOTTO, LLP**

By   
Michael E. Catalinotto, Jr.  
[catalinottojr@moscillo.com](mailto:catalinottojr@moscillo.com)  
(Signed in his absence to avoid delay.)

MCJ:mrp/352816.1

cc: Kenneth Goldblatt, Esq.  
Goldblatt & Associates, P.C.  
1846 East Main Street (Route 6)  
Mohogan Lake, New York 10547  
914-788-5000  
(via fax # 914-526-7800 & regular mail)